

THE GENERAL PROPERTY TAX ACT (EXCERPT)

Act 206 of 1893

REAL PROPERTY.

211.2 Real property; definition; determination of taxable status; acquisition for public purposes by purchase or condemnation; responsibilities of parties in real estate transaction; “levy date” defined.

Sec. 2. (1) For the purpose of taxation, real property includes all of the following:

(a) All land within this state, all buildings and fixtures on the land, and all appurtenances to the land, except as expressly exempted by law.

(b) All real property owned by this state or purchased or condemned for public highway purposes by any board, officer, commission, or department of this state and sold on land contract, notwithstanding the fact that the deed has not been executed transferring title.

(c) For taxes levied after December 31, 2002, buildings and improvements located upon leased real property, except buildings and improvements exempt under section 9f or improvements assessable under section 8(h), if the value of the buildings or improvements is not otherwise included in the assessment of the real property. However, buildings and improvements located on leased real property shall not be treated as real property unless they would be treated as real property if they were located on real property owned by the taxpayer.

(2) The taxable status of persons and real and personal property for a tax year shall be determined as of each December 31 of the immediately preceding year, which is considered the tax day, any provisions in the charter of any city or village to the contrary notwithstanding. An assessing officer is not restricted to any particular period in the preparation of the assessment roll but may survey, examine, or review property at any time before or after the tax day.

(3) Notwithstanding a provision to the contrary in any law, if real property is acquired for public purposes by purchase or condemnation, all general property taxes, but not penalties, levied during the 12 months immediately preceding, but not including, the day title passes to the public agency shall be prorated in accordance with this subsection. The seller or condemnee is responsible for the portion of taxes from the levy date or dates to, but not including, the day title passes and the public agency is responsible for the remainder of the taxes. If the date that title will pass cannot be ascertained definitely and an agreement in advance to prorate taxes is desirable, an estimated date for the passage of title may be agreed to. In the absence of an agreement, the public agency shall compute the proration of taxes as of the date title passes. The question of proration of taxes shall not be considered in any condemnation proceeding. As used in this subsection, “levy date” means the day on which general property taxes become due and payable. In addition to the portion of taxes for which the public agency is responsible under the provisions of this subsection, the public agency is also responsible for all general property taxes levied on or after the date title passes and before the property is removed from the tax rolls.

(4) In a real estate transaction between private parties in the absence of an agreement to the contrary, the seller is responsible for that portion of the annual taxes levied during the 12 months immediately preceding, but not including, the day title passes, from the levy date or dates to, but not including, the day title passes and the buyer is responsible for the remainder of the annual taxes. As used in this subsection, “levy date” means the day on which a general property tax becomes due and payable.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3825;—CL 1915, 3996;—CL 1929, 3390;—Am. 1939, Act 235, Eff. Sept. 29, 1939;—Am. 1941, Act 234, Imd. Eff. June 16, 1941;—CL 1948, 211.2;—Am. 1949, Act 285, Eff. Sept. 23, 1949;—Am. 1958, Act 209, Eff. Sept. 13, 1958;—Am. 1966, Act 288, Imd. Eff. July 12, 1966;—Am. 1968, Act 277, Imd. Eff. July 1, 1968;—Am. 1993, Act 145, Imd. Eff. Aug. 19, 1993;—Am. 1993, Act 313, Eff. Mar. 15, 1994;—Am. 2000, Act 415, Imd. Eff. Jan. 8, 2001;—Am. 2002, Act 620, Imd. Eff. Dec. 23, 2002.

Popular name: Act 206

211.2a Mobile home as real property; assessment; exclusions; “travel trailer” and “camping trailer” defined.

Sec. 2a. (1) For purposes of section 2, a mobile home which is not covered by section 41 of Act No. 243 of the Public Acts of 1959, being section 125.1041 of the Michigan Compiled Laws, and while located on land otherwise assessable as real property under this act, and whether or not permanently affixed to the soil, shall be considered real property and shall be assessed as part of the real property upon which the mobile home is located.

(2) As used in this section, “mobile home” does not include a travel trailer or camping trailer which is

either parked in a campground licensed by this state for not more than 180 days in any calendar year, or parked upon private property, including a designated storage area of a licensed campground, for the sole purpose of storage.

(3) As used in this section, "mobile home" does not include a truck camper which is parked in a campground licensed by this state which is a portable structure, designed and constructed to be loaded onto, or affixed to, the bed or chassis of a truck, and which is used to provide temporary living quarters for recreational camping or travel.

(4) For purposes of this section, the following definitions shall apply:

(a) A travel trailer is a vehicular portable structure mounted on wheels and of a size and weight as not to require special highway movement permits when drawn by a stock passenger automobile or when drawn with a fifth wheel hitch mounted on a motor vehicle, and is primarily designed, constructed, and used to provide temporary living quarters for recreational camping or travel.

(b) A camping trailer is a vehicular portable temporary living quarters used for recreational camping or travel and of a size and weight as not to require special highway movement permits when drawn by a motor vehicle.

History: Add. 1953, Act 57, Eff. Oct. 2, 1953;—Am. 1978, Act 379, Imd. Eff. July 27, 1978;—Am. 1982, Act 539, Eff. Mar. 30, 1983.

Popular name: Act 206

211.3 Real property; parties assessable; persons treated as owner; property of deceased persons.

Sec. 3. Real property shall be assessed in the township or place where situated, to the owner if known, and also to the occupant, if any; if the owner be not known and there be an occupant, then to such occupant, and either or both shall be liable for the taxes on said property, and if there be no owner or occupant known, then as unknown. A trustee, guardian, executor, administrator, assignee or agent, having control or possession of real property, may be treated as the owner. The real property which belonged to a person deceased, not being in control of an executor or administrator, may be assessed to his heirs or devisees jointly, without naming them, until they shall have given notice of their respective names to the supervisor, and of the division of the estate.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3826;—CL 1915, 3997;—CL 1929, 3391;—CL 1948, 211.3.

Popular name: Act 206

211.4 Real property; licensed homesteads; part-paid state lands; assessment; contents.

Sec. 4. All licensed homesteads lands, the fee of which is in the state, when the licensee is entitled to make final proof to obtain a patent for the same, shall be assessed and treated as real property. The interest in land of any person holding part-paid certificates for the purchase of any state lands shall be assessed separate from other property. The assessment shall describe the land and shall state therein that the title is in the state. The taxes, if not paid to the township treasurer, shall be returned and collected as hereinafter provided.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3827;—CL 1915, 3998;—CL 1929, 3392;—CL 1948, 211.4.

Popular name: Act 206

211.5 Real property; assessment of corporate realty.

Sec. 5. The real property of a corporation shall be assessed to the name of the corporation as to an individual, if known, in the township or place where situated, or it may be assessed to the occupant or to any authorized agent if so requested of the supervisor.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3828;—CL 1915, 3999;—CL 1929, 3393;—CL 1948, 211.5.

Popular name: Act 206

211.6 Real property; tenants in common; assessment of undivided interests.

Sec. 6. Undivided interests in lands owned by tenants in common, not being co-partners, may be assessed to the owners thereof, if so requested, and in the discretion of the supervisor.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3829;—CL 1915, 4000;—CL 1929, 3394;—CL 1948, 211.6.

Popular name: Act 206

211.6a Mineral rights assessed separate from surface rights.

Sec. 6a. Mineral rights consisting of metallic resources which have a known mineral value or are developed or are in production may be assessed separate from the surface rights in the property in which the same are situated if such mineral rights and surface rights are owned by separate owners. In case of separate

assessment of such rights the terms “property,” “real property,” “land” and “parcel” or the plural of each of said terms as used in this act, shall refer to and include such mineral rights or surface rights as the case may be: Provided, however, That the fact that such rights are not separately assessed in the case of the separate ownership of the same or that they are separately assessed in the case of common ownership of the same shall not invalidate such assessment or any proceedings had in regard thereto under this act nor shall the same constitute grounds for rejecting such assessment or the taxes levied pursuant thereto.

History: Add. 1945, Act 159, Imd. Eff. May 16, 1945;—CL 1948, 211.6a.

Popular name: Act 206

211.6b Mineral rights consisting of undeveloped metallic resources; assessment separately from surface rights; exclusions; prima facie value.

Sec. 6b. Mineral rights consisting of metallic resources which are not developed or which are not in production or which have not been explored shall be assessed separately from the surface rights in the property in which the same are situated if such mineral rights and surface rights are owned by separate owners: Provided, however, That such mineral rights which are owned by or leased to any person, corporation (or wholly owned subsidiary thereof) or copartnership engaged in the business of and actually extracting, producing or processing such minerals in the state of Michigan shall be excluded from the provisions of this section: Provided, further, That such mineral rights which are owned by any person, corporation or copartnership shall also be excluded from the provisions of this section whenever such person, corporation or copartnership is the recipient or purchaser of metallic mineral ores which have been extracted, produced or processed by or through contractual arrangements or undertakings with a person, corporation or copartnership who is engaged in the business of and who is actually extracting, producing or processing such minerals in the state of Michigan.

The ownership of metallic mineral rights separate from the surface rights in land shall be prima facie evidence of the presence and existence of metallic mineral resources in such land and that such metallic mineral rights have a prima facie true cash value of \$5.00 per acre. The term “property”, “land” and “parcel” as used in this act shall refer to and include mineral rights or surface rights separately assessed under this section: Provided, however, That the fact that such rights are separately assessed in the case of common ownership of the same shall not invalidate such assessment or any proceedings had in regard thereto under this act nor shall the same constitute grounds for rejecting the assessment or the taxes levied pursuant thereto. The first assessment under the provisions of this section shall be made the second calendar year immediately following the year in which this section becomes effective. On or before December 31, 1967 owners of surface rights and of mineral rights whose respective rights are subject to separate assessment as herein provided shall file with the assessing officer of the township, village or city in which the land containing such separate surface or mineral rights is situated an affidavit containing an accurate description of each parcel of land in which such separate surface or mineral rights is contained, with the number of acres contained therein, and a statement of their surface or mineral rights therein.

History: Add. 1966, Act 288, Imd. Eff. July 12, 1966;—Am. 1967, Act 143, Imd. Eff. June 27, 1967.

Popular name: Act 206